

TPARFP Questions

The questions and answers contained in this document reflect only those inquiries received prior to the March 31, 2006 12:00 Noon deadline. While INDOT continues to seek a cooperative relationship with proposers, this deadline must be honored to facilitate prompt responses.

1. How can they demonstrate qualification and abilities to meet prequalification requirement when INDOT has no pre-qualified consultants for category 13.1, Construction Inspection?

Response: A revised RFP being posted simultaneously with the posting of these questions and answers will not include a requirement for prequalification category 13.1. Qualification information applicable to Part III, Public-Private Partner Agreement Oversight and Management, is not necessary at this time. Qualifications for Part III will be solicited from the selected team for consideration at a date closer to implementation of that phase of work.

2. Want to ensure that information submitted in Letter of Interest (LoI), Technical Approach and Interviews will remain confidential.

Response: It is the duty of government to maintain open records for public display. Examination both of the intent and language of the law provide that, subject to certain limitations, information submitted to Indiana's governmental agencies are to be held for the benefit of Indiana's citizens, and therefore subject to public scrutiny.

Proposers are advised that materials contained in RFP submissions are subject to the Indiana Public Records Act (IC 5-14-3 et seq.) and may be viewed and copied by any member of the public. Proposers claiming a statutory exception to the Indiana Public Records Act must place all confidential documents (including requisite number of copies) in a sealed envelope clearly marked "Confidential" and must indicate in the transmittal letter and on the outside of the envelope that confidential materials are enclosed. The proposer must also specify which statutory exception applies.

The State reserves the right to make final determination of confidentiality. If the State does not agree that the information designated is confidential under one of the disclosure exceptions to the Indiana Public Records Act, it may either reject the response or discuss its interpretation of the allowable exceptions with the proposer. If agreement can be reached, the response will be considered. If agreement cannot be reached, the State will remove the response from consideration for selection and return the response to the proposer.

Following submittals, all materials will be considered deliberative during internal review and assessment until the final TPA selection is made. Following that time, all materials not specifically deemed confidential in the foregoing process will be posted electronically for public display. The State and the Indiana Department of Transportation maintains no responsibility for publication of information not submitted in accordance with the described process.

3. Does the 12 pt font requirement apply to graphics, including the organization chart or is readable size acceptable?

Response: Please use a minimum 12 point font size for all text pages. Fonts smaller than 12 pt. may be used for figure and photo captions and for graphics including organization charts so long as they are readily readable.

4. Does INDOT have a traffic and revenue consultant for this work as referred to in IID of the scope?

Response: A RFP is being developed and will be advertised in the near future. T&R consultants should not be included as part of the TPA team.

5. Does involvement in the ongoing tier 2 NEPA and engineering work for I-69 preclude a consultant from being a prime or sub for this contract?

Response: No

6. In reference to page 1 “Consultant conflict of interest” – Are the firms awarded this contract precluded from contracting on public-private partnerships for all future P3’s from INDOT as implied or just those that may arise from the segment of I-69 to which this contract applies?

Response: INDOT is in the process of developing its approach to consultant conflicts of interest as they apply to P3 projects. Generally, only those members (firms and individuals) of the TPA that provide procurement advisory services on this project will be subject to potential preclusion from future INDOT P3 projects as a member of a concessionaire team. Members of the TPA providing basic engineering services, and not procurement advisory services, shall generally be permitted to participate in future INDOT P3 projects as a member of a concessionaire team. TPA team members will all be eligible to seek similar TPA type rulings working for INDOT on future INDOT P3 projects. TPA team members will be ineligible to participate as a member of a concessionaire team on this project. INDOT shall assess specific consultant conflict of interest questions and issues on a case-by-case basis. Nothing contained above is intended to modify or overrule any applicable law, including FHWA’s organizational conflict of interest rules (found at 23 CFR 636.116) and NEPA conflict-of –interest rules.

7. RFP requires 12 pt font and margins 1” for the LoI. Organization chart and information required does not fit on an 8X11 sheet of paper using required fonts. How can we present and remain in compliance with the LoI requirements?

Response: See answer to question number 3 above

8. May we use font smaller than 12 pt for figure and photo captions and graphics in the letter of interest and technical proposal as long as they are readable? Requiring 12 pt font limits the use of graphics to present information.

Response: See answer to question number 3 above.

9. Are the technical approach format requirements the same as the LoI format (page 3 of the RFP) requirements?

Response: Format requirements for the technical approach document will be the same as the revised format requirements for the LoI.

10. Part III Public-Private Agreement Oversight and Management of the scope of work is listed as “If requested” What parameters will you use to determine if the Procurement Advisory will be requested to perform Part III?

Response: INDOT will review the overall performance of the TPA on previous contract work (Parts 1 & 2), review personnel to be assigned to it, consider the firm’s capacity & prior experience, project schedule, project needs, available INDOT resources and budgeting issues.

11. RFP page 16 lists “13.1 Construction Inspection” as a prequalification requirement. When we submitted our request for prequalification package, prequalification category “13.1 Construction Inspection” was listed as not available on the INDOT form. None of the firms on INDOTs web site of pre-qualified firms are pre-qualified in category 13.1. Although construction inspection is a significant part of our business, how should we respond to show prequalification in category 13.1?

Response: See answer to question #1

12. RFP, item 6, page 4 – Please clarify what you mean by obligated time commitments (percentage) as of 4/1/06. We may have someone busy on 4/1/06 but when your projects starts, we may make that individual available to your project full time in our local Indiana office. Do you mean percent commitment on other projects that occur in parallel with I-69 Procurement Advisor or do you want an estimate of time the individual will devote to the I-69 project?

Response: This item is intended to indicate the current time obligations for the managers and key task leaders and to show the transition of percent time to be devoted to I-69, if selected. Proposers should list current projects and percentage of time devoted to those projects and, if selected by INDOT for I-69, the percentage of time that the individual will devote to I-69 and the other projects.

13. Will the selected I-69 technical Procurement Advisor definitely be precluded from working on non I-69 future PPP's?

Response: See answer to question number 6 above.

14. What is the proposed duration of the contract?

Response: The approximate durations would be 2-3 years for Parts 1 & 2, and up to 12 years if Part 3 is requested.

15. Will there be future advisory RFP's coming out such as Legal, Public Relations, etc. or should this be included in the Technical Procurement proposal?

Response: A RFP for Financial Advisor has been issued. A T&R Engineering RFP is currently being prepared and will be issued within the next month or two. Legal advisors have already been retained.

16. Is it possible to change the interview dates to May 25th and 26th?

Response: No

17. The RFP requires consultants and sub consultants to be pre-certified 30 days prior to RFP release, specifically in the categories noted on page 16 of the RFP. The work required in Phase I of the scope of services is not suited to INDOT's pre-certification categories. Will INDOT waive pre-certification requirements for specialty consultants providing the services in Phase I?

Response: Consultants do not have to be prequalified 30 days prior to the RFP release. Page number 2 of the RFP states "To be eligible for selection consideration, prime consultants and sub-consultants must have submitted a complete and technically acceptable prequalification package to the Prequalification Engineer prior to the Lo1 due date for the RFP (April 25, 2006)."

18. The contract form identified by INDOT for this contract is cost-plus-fixed fee. Consultants providing the financial consulting, procurement and policy advisory services required in Phase I of the scope of services typically bill on a commercial rate structure, as dictated in FAR part 12. For these services, will INDOT recognize and accept a commercially proceed contract as dictated in FAR part 12?

Response: Financial advisory services are not included within this RFP. For sub-consultants providing non-engineering and architectural related services, INDOT will consider alternative and appropriate compensation structures consistent with federal and state law.

19. Can a firm that proposes on both the technical procurement advisor and the financial advisor be awarded both contracts?

Response: It is INDOT's strong preference that the technical procurement advisor and the financial advisor functions be performed by independent firms.

20. Will normal R/W services be required to be performed by the TPA?

Response: The only R/W services to be performed by the TPA are addressed in Item No. 1, Part II, section L. which applies to "...acquisition of protective buying parcels and hardship acquisitions" and section K. which applies to "obtaining mitigation sites necessary to complete the required mitigation plan."